

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4
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6 IN RE: HIGH-TECH EMPLOYEE)
7 ANTITRUST LITIGATION)
8) No. 11-CV-2509-LHK
9 THIS DOCUMENT RELATES TO:)
10 ALL ACTIONS.)
11 _____)
12
13

14 ATTORNEYS' EYES ONLY
15 VIDEO DEPOSITION OF ROSEMARY ARRIADA-KEIPER
16 March 28, 2013
17
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19 REPORTED BY: GINA V. CARBONE, CSR NO. 8249, RPR, CCRR
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09:35:49 1 hands. I'll try to keep them up here.

09:35:52 2 THE VIDEOGRAPHER: It makes a noise --

09:35:53 3 THE WITNESS: I use my hands a lot.

09:35:57 4 MS. LEEBOVE: Q. And what if you review

09:35:59 5 Adobe salaries against the survey data and find that

09:36:05 6 Adobe -- that the midpoint of Adobe salary ranges is

09:36:10 7 higher?

09:36:10 8 A. We'll adjust them down.

09:36:12 9 Q. Do you adjust salary ranges down?

09:36:13 10 A. Yeah.

09:36:21 11 Q. Is it Adobe's practice not to adjust actual

09:36:23 12 salaries themselves down if the ranges go down?

09:36:28 13 A. Correct. Like an individual's salary? Is that

09:36:31 14 what you are referencing? Yeah.

09:36:33 15 Q. So if the salary range goes down, individual

09:36:36 16 salaries do not go down?

09:36:37 17 A. No. But the position within the range changes,

09:36:39 18 right?

09:36:44 19 Q. I guess everyone would be slightly higher in

09:36:46 20 the range if the salary goes down?

09:36:48 21 A. Exactly.

09:36:49 22 Q. That's about all the math I can do right there.

09:36:51 23 A. That's good. That's really good.

09:36:54 24 Q. And if the ranges go up, do salaries increase?

09:36:57 25 A. No.

09:36:58 1 Q. How do --

09:37:00 2 A. Their position now changes lower into the
09:37:02 3 range.

09:37:14 4 Q. Does Adobe ever bring individuals whose base
09:37:19 5 salaries are lower than the low end of their salary
09:37:22 6 range up to minimum as part of the focal process?

09:37:27 7 A. So, yeah. Each range has a minimum and a
09:37:29 8 maximum. If folks are below the minimum of the range,
09:37:34 9 we will typically red flag them. That, to us, you know,
09:37:38 10 can mean a number of things. It can mean that the
09:37:41 11 market has moved significantly and we haven't been able
09:37:44 12 to keep up from an individual perspective. Sometimes
09:37:47 13 it's a skill gap issue.

09:37:49 14 So, you know, our practice has been is, is we
09:37:51 15 will adjust them to the minimum as part of the annual
09:37:55 16 review, they get red flagged, and then we have a
09:37:58 17 conversation with the manager to say, you know, we have
09:38:02 18 a minimum for a reason because we believe you need to be
09:38:04 19 in this range to be competitive. You know, is there any
09:38:06 20 reasons why you might not want to adjust. And so it
09:38:11 21 becomes manager's discretion in terms of whether they
09:38:13 22 want to do that.

09:38:14 23 And sometimes they have legitimate reasons for
09:38:16 24 why. You know, certainly as you start to get into less
09:38:20 25 mature markets, like outside of the U.S., there is a lot

09:38:23 1 more volatility, so, you know, managers will come to us
09:38:26 2 and say you know what, we don't need to be paying this.
09:38:28 3 We can kind of get them for not this amount. This is
09:38:30 4 not what's driving them. So there is a number of
09:38:33 5 factors, but yeah. It ultimately is manager's
09:38:36 6 discretion.

09:38:38 7 Q. As a compensation analyst, did you ever study
09:38:44 8 whether employees were -- how many employees were being
09:38:47 9 paid below the range for their job?

09:38:50 10 A. It's part of the reporting. So we'll look at
09:38:52 11 how many employees are below the minimum, we'll look at
09:38:55 12 how many are above the maximum, we'll look at how many
09:38:58 13 are targeted, you know, in what percentile. So, yeah,
09:39:00 14 we definitely look at that information.

09:39:06 15 Q. Has that been true for -- if I use the term
09:39:09 16 "class period," do you understand what I would be --
09:39:13 17 what I'm referring to?

09:39:14 18 A. No.

09:39:15 19 Q. So the class period -- and we'll talk about
09:39:19 20 your declaration a little bit later.

09:39:20 21 A. Okay.

09:39:21 22 Q. But when I refer to the class period, I'm
09:39:24 23 talking about the period of time between January 1st,
09:39:27 24 2005 and December 31st, 2009.

09:39:29 25 A. Okay.

09:39:31 1 Q. So do you know whether for the entire -- for
09:39:34 2 the entire class period it's been Adobe's policy to
09:39:41 3 review whether employees are being paid in or out of
09:39:44 4 range?

09:39:45 5 A. So yeah. So it's always been a part of the
09:39:48 6 process to kind of look at where employees are
09:39:50 7 positioned relative to the ranges that we're developing.

09:39:57 8 Q. And has this process of -- and has Adobe
09:40:01 9 participated in surveys for the whole class period?

09:40:04 10 A. As long as I can remember, yeah.

09:40:06 11 Q. And has Adobe engaged in this annual process of
09:40:09 12 comparing its salaries to market on an annual basis --

09:40:12 13 A. Yes.

09:40:12 14 Q. -- throughout the class period?

09:40:13 15 A. Yeah.

09:40:23 16 (Discussion off the record.)

09:40:33 17 MS. LEEBOVE: Q. So we were talking about
09:40:34 18 your job duties as a compensation analyst, and you
09:40:36 19 mentioned surveys, benchmarking, analysis. And was
09:40:41 20 the analysis that we just discussed the analysis
09:40:44 21 that you were talking about when you referred to
09:40:48 22 doing analysis as a compensation analyst?

09:40:50 23 A. That's one of them.

09:40:51 24 Q. What other sorts of analyses did you do as a
09:40:54 25 compensation analyst?

09:40:55 1 A. So we will get requests, you know, from
09:41:00 2 organizations to say, you know, we've got a certain type
09:41:02 3 of behavior that we want to drive within our
09:41:05 4 organization, oftentimes in sales. And so they'll
09:41:08 5 approach us about, you know, might we be able to do
09:41:10 6 something to design a compensation plan to drive these
09:41:13 7 types of behaviors.

09:41:18 8 You know, we might do analysis beyond just
09:41:23 9 looking at base salaries. You know, periodically we
09:41:27 10 like to look at analysis that's tied to total direct
09:41:32 11 compensation, so we'll look at that. And that's
09:41:34 12 different in that, you know, now you are looking at more
09:41:36 13 than just cash compensation, you start to look at equity
09:41:39 14 compensation as well.

09:41:40 15 You know, in a benefits capacity, too, we'll
09:41:42 16 look at kind of total rewards. So what's the value
09:41:45 17 proposition to an employee when you factor in, you know,
09:41:48 18 the cash elements, the equity elements, plus the
09:41:51 19 benefits that we offer as a company, so....

09:41:55 20 Q. And you mentioned that as a compensation
09:41:56 21 analyst, you also designed compensation programs?

09:41:59 22 A. We did.

09:42:00 23 Q. What sort of -- what kind of compensation
09:42:03 24 programs did you design?

09:42:04 25 A. So we don't have a lot at the company, which is

10:51:13 1 associated with it?

10:51:13 2 A. It does. Correct.

10:51:21 3 Q. And so by assigning each employee a job code

10:51:25 4 and a salary range, is Adobe trying to guide

10:51:28 5 compensation decisions into the salary range?

10:51:35 6 MR. KIERNAN: Objection to form.

10:51:38 7 THE WITNESS: No. You know, I think what you

10:51:39 8 do is you assign a job code to an employee. As managers

10:51:45 9 are potentially looking at hiring somebody in, that

10:51:49 10 range acts as a reference point to help guide them in

10:51:51 11 terms of, you know, what they want to bring a person in.

10:51:54 12 Once they're in the company, that range kind of

10:51:57 13 serves as a mechanism for people to understand kind of

10:52:01 14 the value of a particular job from the perspective of

10:52:04 15 the range -- or the perspective of the market. Where

10:52:06 16 you fall within that range between the min and the

10:52:10 17 maximum is based on, you know, your contributions as an

10:52:14 18 employee. We have a, you know, pay for performance

10:52:17 19 model at Adobe, and so, you know, where individuals are

10:52:21 20 positioned within a range can fluctuate up or down based

10:52:25 21 on their contributions.

10:52:29 22 MS. LEEBOVE: Q. Is the purpose of the

10:52:32 23 salary ranges that are associated with job codes to

10:52:36 24 guide managers to compensate employees within the

10:52:41 25 salary range assigned to their job code?

10:52:44 1 MR. KIERNAN: Object to form.

10:52:49 2 THE WITNESS: So the purpose of the range is
10:52:51 3 really to act as, again, an indicator of what's the
10:52:56 4 value of this particular job. And, you know, we educate
10:53:01 5 around how you might use the breadth of a range when you
10:53:06 6 are thinking about as a manager, how you might want to
10:53:09 7 compensate somebody.

10:53:11 8 So again, based on their contributions, their
10:53:14 9 skill set, whether they're new into a role versus
10:53:20 10 somebody seasoned, you know, they can fluctuate all
10:53:22 11 across that span of that range. So it's an indicator.

10:53:31 12 MS. LEEBOVE: Q. Does Adobe generally
10:53:46 13 believe that employees should be paid within the
10:53:49 14 salary range assigned to their job code?

10:53:53 15 A. It depends, right? They're case by case
10:53:58 16 situations, but generally we have a range for a reason.
10:54:00 17 We believe that in order to be competitive to the
10:54:02 18 market, this is roughly the range that you need to be
10:54:05 19 paying people in. And that kind of, you know, puts a
10:54:08 20 check mark next to competitiveness.

10:54:10 21 However, again, where an individual is placed
10:54:14 22 is dependent on a number of different factors. And so,
10:54:17 23 you know, you will find examples of people that are not
10:54:19 24 within the range.

10:54:24 25 Q. Does Adobe do any studies as to whether

10:54:26 1 employees are being paid in or out of range?

10:54:29 2 A. We do. We not only look at those below, but we
10:54:33 3 look at those above, we look at people where they're
10:54:36 4 positioned within the actual range. So we do look at
10:54:40 5 that information.

10:54:49 6 Q. Is it the compensation analysts who look at
10:54:51 7 that information and make those determinations?

10:54:53 8 A. It is the compensation analyst that does that.

10:55:02 9 Q. Do the salary ranges associated with each job
10:55:06 10 code generally -- well, are they -- do they exist in
10:55:10 11 part to make compensation decisions more expedient?

10:55:15 12 A. I wouldn't say it's an expedient issue. It's
10:55:20 13 more of a, you know, what do we need to be targeting in
10:55:25 14 order to be competitive.

10:55:27 15 Q. What would happen if there were no salary
10:55:32 16 ranges associated with each job code? How would
10:55:35 17 compensation be determined then?

10:55:37 18 MR. KIERNAN: Object to form.

10:55:39 19 THE WITNESS: I don't know.

10:55:48 20 MS. LEEBOVE: Q. Did you say you didn't
10:55:49 21 know?

10:55:49 22 A. Yeah. Don't know.

10:55:53 23 Q. Continuing on with paragraph 4 of Ms. Morris'
10:55:58 24 declaration, the very last phrase in paragraph 4, which
10:56:03 25 appears on page 2 says, "During the class period Adobe

10:56:07 1 used approximately [REDACTED] unique job codes which have
10:56:10 2 changed over time." Do you see that?

10:56:14 3 A. Yeah.

10:56:15 4 Q. Is that true?

10:56:15 5 A. Yeah. Roughly.

10:56:20 6 Q. And how have the job codes changed over time?

10:56:24 7 A. I think we -- you can see fluctuations, right?

10:56:30 8 With the acquisition of new companies, you bring in some

10:56:34 9 new jobs, because sometimes we inherit talent that are

10:56:40 10 in roles that we may not have had previously. We add.

10:56:44 11 So as we expand into different geographies, you've got

10:56:48 12 to create job codes for, you know, roles in those

10:56:50 13 geographies. So we tend to see those numbers fluctuate

10:56:56 14 up or down. Or if we close offices or close a

10:56:59 15 particular geography, then you might see them go away.

10:57:04 16 Q. And has there been an effort within Adobe to

10:57:07 17 reduce the number of job codes Adobe uses for its

10:57:09 18 employees?

10:57:11 19 A. We have tried to consolidate, as I mentioned

10:57:13 20 earlier, with the no-match jobs.

10:57:22 21 Q. Do you know how many unique job codes Adobe

10:57:25 22 currently uses?

10:57:26 23 A. I don't.

10:57:29 24 Q. Do you know whether Adobe has tracked the

10:57:30 25 number of job codes that have been in use throughout the

11:12:02 1 Q. Let me get this straight. So now Adobe uses --
11:12:05 2 let's just call it the salary planning tool. Prior to
11:12:08 3 the salary planning tool, Adobe used Taleo?

11:12:10 4 A. Taleo had a salary planning tool. So they have
11:12:13 5 many products, they had a salary planning tool that we
11:12:15 6 used.

11:12:17 7 Q. When did Adobe use Taleo's salary planning
11:12:20 8 pool? For what time period?

11:12:22 9 A. It was definitely before this one, but I can't
11:12:25 10 remember -- we used it for two years. So two years
11:12:28 11 prior to this last one we used Taleo.

11:12:36 12 Q. And what is SAP?

11:12:38 13 A. Yeah. I don't know what it's specifically --
11:12:41 14 but SAP salary planning tool would have been what we
11:12:44 15 used prior to Taleo's salary planning tool.

11:12:55 16 Q. What was the function of the SAP salary
11:12:59 17 planning tool?

11:13:00 18 A. Same function as the Taleo and the one we have
11:13:04 19 now. Essentially a mechanism for managers to go online,
11:13:09 20 make salary recommendations, bonus recommendations, and
11:13:14 21 submit them.

11:13:20 22 Q. Have these three -- is it fair to call all
11:13:24 23 three of these tools the salary planning tool, the SAP,
11:13:27 24 and the Taleo, salary planning tools?

11:13:29 25 A. Yes.

11:13:29 1 Q. Okay. Can we refer to them generally as salary
11:13:34 2 planning tools?

11:13:36 3 A. Yes.

11:13:37 4 Q. Have the salary planning tools also helped
11:13:40 5 managers to stay within their merit increase budgets?

11:13:43 6 A. Yes.

11:13:49 7 Q. Does the salary -- has the salary planning tool
11:13:54 8 helped -- well, scratch that.

11:13:56 9 Has the salary planning tool proposed merit
11:14:06 10 increases to particular employees? How does -- well,
11:14:08 11 can you tell me how the salary planning tool has worked?

11:14:11 12 A. Yeah. So essentially the salary planning tool
11:14:16 13 is populated with employee information for a particular
11:14:21 14 manager, so the employees on their team. You have the
11:14:24 15 ability to kind of look at their current compensation.
11:14:28 16 It shows them what the range is for the current role
11:14:34 17 that they're in. It provides information around what
11:14:39 18 their budget is in terms of what they can spend to do
11:14:43 19 the annual review, and then it's got some other detailed
11:14:46 20 information like, you know, what's the job they're in,
11:14:48 21 the level they're in, some personal data. So managers
11:14:54 22 essentially use that to provide recommendations.

11:14:59 23 The tool also has the ability to provide kind
11:15:03 24 of the guidelines that we recommend in terms of how
11:15:09 25 managers might want to think about spending their

11:15:13 1 allocated budget.

11:15:15 2 Q. Does -- or has the salary planning tool had a
11:15:18 3 function that a manager could input an employee's
11:15:23 4 performance rating --

11:15:27 5 A. Previously --

11:15:27 6 Q. -- and then --

11:15:30 7 A. Go ahead. I'll let you finish.

11:15:32 8 Q. We can make that one question.

11:15:33 9 Has the salary planning tool had a function
11:15:35 10 that a manager could input an employee's performance
11:15:38 11 rating and that the tool would generate a recommendation
11:15:40 12 about a salary increase?

11:15:42 13 A. So the tool prior to this year has had the
11:15:47 14 ability for us to input a performance rating because we
11:15:51 15 required managers to kind of assess performance. We no
11:15:54 16 longer are requiring a specific label around a rating.

11:16:00 17 So for this year, that wouldn't have been
11:16:02 18 applicable. But in prior years, yes. In terms of, you
11:16:06 19 know, that performance rating automatically generating a
11:16:10 20 salary recommendation, no.

11:16:17 21 Q. During the class period, did whichever
11:16:21 22 performance tool Adobe was using generate a salary
11:16:24 23 recommendation for each employee?

11:16:26 24 A. No. You have the ability -- so you have this
11:16:30 25 guideline, and you have the ability to kind of key in

11:16:34 1 what percentage increase or what dollar value increase
11:16:37 2 you want to give. But it doesn't automatically do that
11:16:41 3 for you.

11:16:43 4 Q. So the salary planning tool did not provide a
11:16:46 5 function where a manager could enter in additional
11:16:50 6 employee information beyond what was already populated
11:16:53 7 there?

11:16:53 8 A. Correct.

11:16:54 9 Q. And the planning tool would spit out a proposed
11:16:59 10 merit increase percentage or dollar figure?

11:17:01 11 MR. KIERNAN: Object to form.

11:17:05 12 THE WITNESS: So what the tool would do is, as
11:17:07 13 a manager I would go in, make my recommendation. It
11:17:12 14 would store that information. And then as an
11:17:16 15 administrator or as a manager, I could then run a report
11:17:21 16 that would show me the recommendations I had inputed
11:17:25 17 into the tool.

11:17:35 18 MS. LEEBOVE: Q. As a manager using the
11:17:36 19 salary tools, did you have to propose the amount by
11:17:43 20 which you wanted to increase an employee's
11:17:46 21 compensation?

11:17:46 22 A. Yes. You had two ways to do that. You could
11:17:49 23 either propose a percentage increase and just say I want
11:17:52 24 to give this person 3 percent, or you could go in and
11:17:56 25 input a dollar value. And it would calculate either

02:43:57 1 experience at Adobe, have there ever been
02:44:02 2 directives -- well, has the company ever issued
02:44:05 3 directives about salary -- well, has the company
02:44:11 4 ever issued salary directives as opposed to salary
02:44:15 5 guidelines?

02:44:17 6 A. Yeah, um, I guess I just really struggle with
02:44:21 7 the directive for the guideline. So, you know, we
02:44:24 8 position things as these are your guidelines. Here is
02:44:28 9 your budget. Typically people follow the guidelines.
02:44:31 10 So, you know, if they didn't, you know, I don't know if
02:44:37 11 we've made exceptions or not. I'm not privy to that,
02:44:40 12 so....

02:44:42 13 Q. Okay. If we could, for a moment -- or if you
02:44:49 14 could, please take a look back at Exhibit 2487.

02:44:53 15 A. Okay.

02:44:54 16 Q. It's the one that looks like this. Well, and
02:44:57 17 it's the one that says Exhibit 2487 on it, if that
02:45:00 18 helps.

02:45:03 19 A. Eighty-seven. Yeah.

02:45:05 20 Q. If you turn to page 100614.

02:45:10 21 A. Okay.

02:45:20 22 Q. Can you tell me what this page reflects?

02:45:23 23 A. So these are the salary matrices that we've
02:45:27 24 been referencing. The guidelines.

02:45:33 25 Q. And I know that these are the salary matrices

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02:48:19 1 Q. Okay. All right. Thank you.

02:48:23 2 A. Uh-huh. You are probably learning more about
02:48:31 3 comp than you ever wanted to know.

02:48:33 4 Q. I always wanted to know.

02:48:35 5 MR. KIERNAN: Can we take a five-minute break?

02:48:37 6 MS. LEEBOVE: Sure.

02:48:38 7 THE VIDEOGRAPHER: This is the end of video
02:48:39 8 No. 4.

02:48:39 9 The time is 2:48 p.m. We're going off the
02:48:41 10 record.

02:56:33 11 (Recess taken.)

03:01:48 12 THE VIDEOGRAPHER: This is the beginning of
03:01:49 13 video No. 5.

03:01:51 14 The time is 3:01 p.m. We're back on the
03:01:54 15 record.

03:01:57 16 MS. LEEBOVE: Okay. May I please have this
03:01:59 17 exhibit next. I believe we're at Exhibit 2495.

03:02:18 18 (Whereupon, Exhibit 2495 was marked for
03:02:18 19 identification.)

03:02:30 20 MS. LEEBOVE: Q. Ms. Arriada-Keiper,
03:02:30 21 you've been handed Exhibit 2495, it is Bates stamped
03:02:34 22 ADOBE_086264 through 086272.

03:02:45 23 In our desire to save some trees and print
03:02:49 24 double-sided, sometimes these are a little bit -- you
03:02:51 25 have to flip them around a couple times as you are

03:49:13 1 A. Yeah.

03:49:15 2 MR. KIERNAN: Different jobs or different job

03:49:17 3 titles. It was just a --

03:49:20 4 MS. LEEBOVE: Of two different --

03:49:24 5 THE WITNESS: Job titles.

03:49:25 6 MS. LEEBOVE: Q. -- job titles within the

03:49:26 7 same job code.

03:49:27 8 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

03:51:13 12 Q. It does.

03:51:14 13 And they could be -- and in your scenario, that

03:51:18 14 employee communications manager and marketing manager

03:51:20 15 could be compensated differently as well?

03:51:22 16 A. Uh-huh. They could. Based on their

03:51:25 17 contributions. If one is new into the role versus

03:51:30 18 someone whose got more experience. There is a number of

03:51:33 19 factors. That's where that range kind of spread allows

03:51:36 20 you that flexibility, right?

03:51:38 21 Q. Does Adobe conduct any studies about where

03:51:46 22 on -- well, I guess, does Adobe conduct any studies

03:51:49 23 about where employees fall within their salary ranges?

03:51:54 24 A. Yeah. Well, when you say studies, we run

03:51:57 25 reports that show us kind of, again, you know, where

03:52:01 1 employees are falling within the ranges.

03:52:04 2 Q. And do most employees tend to fall -- well, I
03:52:10 3 mean, where do employees tend to -- is there, like, some
03:52:14 4 sort of -- I guess where is the greatest represent --
03:52:23 5 well, I don't even know how to ask this question, which
03:52:26 6 reflects my lack of sleep.

03:52:33 7 How often are employees paid at the very
03:52:36 8 bottom, the very minimum of their salary range?

03:52:42 9 MR. KIERNAN: Object to form.

03:52:43 10 THE WITNESS: I don't know how often. I'd have
03:52:44 11 to run a report to see, you know, how many people are
03:52:49 12 currently positioned at the lower end of the range. So
03:52:56 13 kind of you run these reports at a snapshot in time,
03:52:59 14 right? And people kind of are entering the work
03:53:02 15 environment and leaving the work environment.

03:53:03 16 So, you know, generally, you know, you are not
03:53:07 17 always going to see an exact replica depending on the
03:53:10 18 snapshot in time that you are taking. Like I would
03:53:13 19 venture to say that if you look at a snapshot now, it's
03:53:16 20 going to look very different than what it did
03:53:18 21 potentially a year ago.

03:53:19 22 But as part of the annual review process, we do
03:53:23 23 look at, you know, where people are positioned, you
03:53:25 24 know, how many people are above the midpoint, how many
03:53:27 25 people are below the midpoint, how many people are above

03:53:30 1

the maximum. [REDACTED]

[REDACTED] 2

[REDACTED] 3

[REDACTED] 4

03:53:44 5

MS. LEEBOVE: Q. So what would it tell you

03:53:45 6

if you see that a significant proportion of

03:53:50 7

employees are positioned at the low end of their

03:53:53 8

salary range?

03:53:54 9

A. So that would tell us that while our ranges may

03:53:57 10

be competitive, where people are positioned to those

03:54:00 11

ranges is low, and, you know, we would probably request

03:54:05 12

some additional funding to help kind of move that along.

03:54:09 13

The problem with that is we're always constrained by

03:54:11 14

that conversation with finance to say, you know, can we

03:54:15 15

afford it or not.

03:54:16 16

And you see that happening not so much in the

03:54:18 17

U.S. because it's a mature market and we -- there is not

03:54:21 18

a lot of volatility, so people's positioning doesn't

03:54:25 19

tend to shift as much. But again, in these those

03:54:27 20

emerging markets, Romania, India you see people shifting

03:54:32 21

in their positions all the time.

03:54:33 22

Q. And you mentioned having to go to finance to

03:54:35 23

ask for more money or ask for money. Who is it -- who

03:54:40 24

is it within finance who you interface with? Who

03:54:44 25

compensation interfaces with?

03:54:45 1 A. We interface with the VP of FP&A, financial
03:54:49 2 planning and analysis. And so the person we had been
03:54:54 3 interfacing with left, so I don't know who that
03:54:58 4 replacement will be for next year.

03:55:01 5 Q. Had you -- had -- in your time in the
03:55:03 6 compensation department, had you been interfacing with
03:55:05 7 this particular VP of FP&A --

03:55:09 8 A. For many years.

03:55:09 9 Q. -- for many years.

03:55:10 10 Did you consult with this person -- was he or
03:55:12 11 she your point person in finance throughout the class
03:55:15 12 period?

03:55:16 13 A. Oh, gosh.

03:55:17 14 Q. When I say "your," I mean the compensation
03:55:19 15 department.

03:55:19 16 A. Yeah. The compensation department. Yeah.
03:55:21 17 Probably, if not directly with him, somebody within his
03:55:25 18 team.

03:55:27 19 Q. And what is -- what was the VP of FP&A's name?

03:55:32 20 A. Joe Namath.

03:55:36 21 Q. Joe Namath?

03:55:38 22 A. Like the football player.

03:55:39 23 Q. Was there anybody else that you dealt with
03:55:42 24 in -- tell me what FP&A stands for.

03:55:45 25 A. Financial planning and analysis.

04:01:45 1

[REDACTED]

[REDACTED] 2

[REDACTED]

[REDACTED] 3

[REDACTED]

[REDACTED] 4

[REDACTED]

[REDACTED] 5

[REDACTED]

04:02:01 6

You know, in the tool, as an example, if you

04:02:03 7

are a manager and you go to give an increase to someone

04:02:06 8

that's above the maximum of the range, it will tell you,

04:02:09 9

hey, do you know the person is above the maximum in the

04:02:12 10

range. Still move forward, but it kind of -- you know.

04:02:15 11

Q. It will accept the change but with a warning?

04:02:20 12

A. Yeah.

04:02:26 13

Q. How many times can an employee -- can an

04:02:29 14

employee be a low performer before they're asked to

04:02:32 15

leave the company?

04:02:33 16

MR. KIERNAN: Object to form.

04:02:34 17

THE WITNESS: That, I don't know. I don't know

04:02:36 18

about that.

04:02:39 19

MS. LEEBOVE: Q. Is there a point at which

04:02:41 20

a person who is a -- an employee who is a low

04:02:43 21

performer year after year is asked to leave?

04:02:48 22

A. That's kind of case by case, I'm sure. Our

04:02:51 23

lawyers get involved. I would tell you that me as a

04:02:55 24

manager, it wouldn't take -- I wouldn't want year after

04:02:57 25

year of low performance before I dealt with that issue.

04:02:59 1 But it's going to be situational, right?

04:03:19 2 Q. Do top level executive leadership and senior
04:03:23 3 vice presidents ultimately approve managers' salary
04:03:26 4 decisions with respect to their reports?

04:03:34 5 A. So it's interesting, because I keep seeing the
04:03:37 6 terminology "approval" come up. And what ends up
04:03:41 7 happening is there is not a snap of a button where they
04:03:45 8 have to say, "I approve this change." What in effect
04:03:48 9 happens is my kind of chain of command has visibility
04:03:52 10 into any of the recommendations that I make, right?

04:03:54 11 So as my boss, who is very hands on, she's
04:03:57 12 actively looking at the recommendations that we're
04:03:59 13 making. And if she feels like, hey, Rose, there is one
04:04:05 14 on here that, "Why are you doing that," we'll have a
04:04:07 15 conversation around that, right? And most of the time
04:04:09 16 she'll empower me to kind of move forward and I can kind
04:04:12 17 of make the business case.

04:04:13 18 But some leaders are really good about actively
04:04:15 19 kind of engaging in that process, and others just say
04:04:17 20 you know what? I'm going to trust my managers to do
04:04:19 21 that. So I think it just depends from manager to
04:04:21 22 manager what the level. But it's not like the tool
04:04:24 23 says, okay, Rose, when you make a recommendation, it now
04:04:27 24 gets submitted to your manager who then has to press an
04:04:30 25 approval key so that keeps rolling. It just doesn't

04:04:33 1 work that way, right?

04:04:35 2 So I think, you know, when we talk about
04:04:37 3 approval, I don't know how many are actively engaging to
04:04:41 4 say, "I approve of these recommendations," right? Some
04:04:43 5 probably are, others probably don't ever look.

04:04:48 6 Q. Does this roll-up process actually roll up to
04:04:50 7 this CEO of the company?

04:04:52 8 A. It does. Ultimately the CEO is kind of
04:04:58 9 responsible for, you know, at a company level what
04:05:03 10 budget do we come in, what does the distribution look
04:05:05 11 like. So at any point in time, Shantanu could go look
04:05:10 12 at anybody's record.

04:05:12 13 Q. Has Mr. Narayen ever blocked a salary increase
04:05:16 14 for an individual employee?

04:05:22 15 A. Not that I'm aware of.

04:05:23 16 Q. Or required a salary increase for an employee
04:05:25 17 who wasn't going to receive one?

04:05:27 18 A. Not that I know of. I think Shantanu is
04:05:28 19 probably more focused on his directs more than anybody
04:05:31 20 else.

04:05:44 21 Q. How does Adobe determine bonus and equity
04:05:46 22 grants?

04:05:50 23 [REDACTED]
[REDACTED]
[REDACTED]

04:07:07 17 Q. How is there -- well, how substantial can an
04:07:10 18 employee's equity share -- or how substantial an equity
04:07:15 19 share award can an employee receive -- or what's the
04:07:18 20 maximum equity share award an employee can receive for a
04:07:22 21 given year?

04:07:23 22 MR. KIERNAN: Object to form.

04:07:26 23 THE WITNESS: Yeah. So, there is a difference
04:07:27 24 between shares and value. So we create a pool of shares
04:07:36 25 based on kind of the budget availability, market

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